

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK RICHARD DALLMAN,

Defendant.

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Case No. 6:13-03081-01-CR-MDH

ORDER

Before the Court is the United States Magistrate Judge's Report and Recommendation (Doc. 89) regarding Defendant's Motion to Suppress Evidence. (Doc. 76). Defendant sought the suppression of evidence obtained from a search of his computer. He argues that the search was conducted in a manner that exceeded the scope of the warrant permitting law enforcement to search his computer, and also that the search retrieved information beyond the scope of the warrant.

On August 4, 2016, the Magistrate Judge held an evidentiary hearing to determine whether the search violated Defendant's rights under the Fourth Amendment. The Magistrate Judge submitted a Report and Recommendation to this Court. (Doc. 89).

The Court reviews the Magistrate Judge's Report and Recommendation *de novo*. *United States v. Azure*, 539 F.3d 904, 909 (8th Cir. 2008). The Court has reviewed the Report and Recommendation and the accompanying arguments.

After reviewing the record, the Court agrees with the report and recommendation issued by the United States Magistrate Judge, and in accordance with such:

IT IS HEREBY ORDERED that the Report and Recommendation (Doc. 89) of the United States Magistrate Judge is **ADOPTED**. The Court finds that the search of Defendant's computer files unrelated to his travel, residency, or identity exceeded the scope of the search warrant and violated his rights under the Fourth Amendment.

Therefore, this Court hereby **GRANTS** Defendant's Motion to Suppress, and **ORDERS** that the video evidence containing child pornography, discovered on September 5, 2013, be **SUPPRESSED**.

IT IS SO ORDERED:

Date: October 19, 2016

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE